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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,474	09/04/2003	Samuel C. Wadsworth	GEN5-7.1 CON	8696
24536	7590 12/13/2004		EXAMINER	
GENZYME LEGAL DEI	CORPORATION PARTMENT		GUZO, DAVID	
15 PLEASA	NT ST CONNECTOR		ART UNIT	PAPER NUMBER
FRAMINGHAM, MA 01701-9322			1636	
			DATE MAILED: 12/13/2004	1

Please find below and/or attached an Office communication concerning this application or proceeding.

9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.		Application No.	Applicant(s)				
Examiner		10/656,474	WADSWORTH ET AL.				
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE of this communication appears on the over sheet with the correspondence address − Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Editaristins of the may be available under the proteiners of 37 CPR 1.134(a). In one went, however, may a right, be timely field after SIR (a) MONTHS from the mining date of this communication.  If you period for reply specified doors is also sham thinly (30) days a varying the timely field and set SIR (a) MONTHS from the mining date of this communication.  If you period for reply specified doors is a sham thinly (30) days a varying the timely field and set SIR (a) MONTHS from the mining date of this communication.  If you period for reply specified doors is a sham thinly (30) days with the statutory mining may be timely field and communication.  Part of the sham the speciments of the sham thinly date of this communication, even if timely field, may reduce any senior place that an application.  Application is FINAL.  2b  This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-9 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  5) Claim(s) is/are allowed.  5) Claim(s) is/are allowed.  6) Claim(s) is/are allowed.  7) Claim(s) is/are allowed.  8) Claim(s) 1-9 are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) field on is/are: a) accepted or b) objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim f	Office Action Summary						
The MALING DATE of this communication appears on the cover sheet with the correspondence address → Perford for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Bear active to interring be ambient on the prevalence of 7 CPR 1.13(6). In no event, however, may a reply be timely filed to the communication of 7 CPR 1.13(6). In no event, however, may a reply be timely filed bear of the communication of 7 CPR 1.13(6). In no event, however, may a reply be timely filed to the period for reply specified above is less than thinly (50 days, as reply within the statubary immunication (30) days, will be considered timely.  If the period for reply specified above is less than thinly (50 days, a reply within the statubary immunication (30) days will be considered timely.  If the period for reply specified above is less than thinly (50 days) as reply within the statubary immunication (30) days will be considered timely.  If the period for reply specified above is less than thinly (50 days) as reply the timely filed.  Application is filed to a specified above is less than thinly (50 days) as reply the timely filed.  This period for reply specified above is less than thinly (50 days) as reply the timely filed.  The period for reply specified above is less than thinly (50 days) as reply the timely filed.  The period for reply specified above is less than thinly (50 days) and the filed of the communication.  The period for reply specified above is less than thinly (50 days will be considered timely.  This period for reply specified above is less than thinly (50 days will be considered timely.  The period for reply specified above is less than thinly (50 days will be considered timely.  The period of the above close that any object on the filed period to the days of the period to the filed period to the f		David Guzo					
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Notice of References Cited (PTO-892)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  A) Interview Summary (PTO-413)  Paper No(s)/Mail Date.  Notice of Informal Patent Application (PTO-152)	* See the attached detailed Office action for a list of the certified copies not received.						
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B) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  5) Notice of Informal Patent Application (PTO-152)							

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## **Election/Restriction**

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-8, drawn to AAV expression vectors, packaging cell lines for said vectors and a method for delivering a polypeptide of interest comprising infecting the cell with said expression vectors, classified in class 435, subclass 320.1.
- II. Claim 9, drawn to a non-human transgenic mammal expressing DNA encoding human chromosome 19 AAV integration locus, classified in class 800, subclass 14.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions involve unrelated compositions. The AAV vectors and packaging cell lines for said vectors are unrelated to a transgenic non-human mammal expressing the human chromosome 19 AAV integration locus. The method of Group I does not require the transgenic mammal of Group II and can be practiced with non-transgenic organisms.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

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A telephone call was made to Jennifer D. Tousignant on 12/6/04 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Guzo, Ph.D., whose telephone number is (571) 272-0767. The examiner can normally be reached on Monday-Thursday from 8:00 AM - 5:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Irem Yucel, Ph.D., can be reached on (571) 272-0781. The fax phone number for the organization where this application or proceeding is assigned is 571 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Guzo December 10, 2004

PRIMALLY EXAMILLER